

AMENDED IN SENATE APRIL 21, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 929

Introduced by Senator Kehoe

February 22, 2005

~~An act to add Section 30329.1 to the~~ *An act to amend Section 82002 of the Government Code, and to amend Section 30325 of Public Resources Code, relating to coastal resources.*

LEGISLATIVE COUNSEL'S DIGEST

SB 929, as amended, Kehoe. ~~California Coastal Act: lobbyists.~~
California Coastal Commission: administrative actions.

Existing provisions of the Political Reform Act of 1974 generally define "administrative action" to mean the proposal, drafting, development, consideration, amendment, enactment, or defeat by a state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding.

This bill would specify that an "administrative action" for purposes of proceedings before the California Coastal Commission, includes the proposal, drafting, development, consideration, amendment, enactment, or defeat of any rule, regulation, permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusion from coastal development permit requirements, cease and desist order, restoration order, or any other quasi-judicial or quasi-legislative matter requiring commission action.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Coastal Act of 1976 provides that nothing in the act prohibits any person or any interested person from testifying at a commission hearing, workshop, or other official proceeding, or from submitting written comments for the record on a matter before the commission, as provided.

This bill would require that any person who communicates with the commission or commission staff regarding an administrative action of the commission, as defined, who qualifies as a lobbyist, as defined, is required to comply with specified requirements of the Political Reform Act of 1974, as provided.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a 2/3 vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a 2/3 vote.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~The California Coastal Act of 1976 provides for the planning and regulation of development within the coastal zone, as defined. The California Coastal Commission administers the act.~~

~~This bill would require a lobbyist, lobbyist employer, or lobbying firm, as those terms are defined by the Political Reform Act of 1974, or a person who directly or indirectly makes payments to influence legislative or administrative action, as specified, who communicates with the commission or commission staff regarding an administrative action, as defined, to comply with the registration, reporting, and related requirements of the Political Reform Act of 1974.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~^{yes}.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82002 of the Government Code is
2 amended to read:

82002. (a) (1) “Administrative action” means the proposal, drafting, development, consideration, amendment, enactment, or defeat by any state agency of any rule, regulation, or other action in any ratemaking proceeding or any quasi-legislative proceeding, which shall include any proceeding governed by Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(2) *For purposes of proceedings before the California Coastal Commission, “administrative action” includes the proposal, drafting, development consideration, amendment, enactment, or defeat of any rule, regulation, permit action, federal consistency review, appeal, local coastal program, port master plan, public works plan, long-range development plan, categorical or other exclusion from coastal development permit requirements, cease and desist order, restoration order, or any other quasi-judicial, or quasi-legislative matter requiring commission action.*

(b) “Ratemaking proceeding” means, for the purposes of a proceeding before the Public Utilities Commission, any proceeding in which it is reasonably foreseeable that a rate will be established, including, but not limited to, general rate cases, performance-based ratemaking, and other ratesetting mechanisms.

(c) “Quasi-legislative proceeding” means, for purposes of a proceeding before the Public Utilities Commission, any proceeding that involves consideration of the establishment of a policy that will apply generally to a group or class of persons including, but not limited to, rulemakings and investigations that may establish rules affecting an entire industry.

SEC. 2. *Section 30325 of the Public Resources Code is amended to read:*

30325. (a) Nothing in this article prohibits any person or any interested person from testifying at a commission hearing, workshop, or other official proceeding, or from submitting written comments for the record on a matter before the commission. Written comments shall be submitted by mail or delivered to a commission office, or may be delivered to the commission at the time and place of a scheduled hearing.

(b) *Any person who communicates with the commission or commission staff regarding an administrative action of the commission, as defined in subdivision (a) of Section 82002 of the*

1 *Government Code, and who qualifies as a lobbyist, as defined in*
2 *subdivision (a) of Section 82039 of the Government Code, shall*
3 *comply with the requirements of Chapter 6 (commencing with*
4 *Section 86100) of Title 9 of the Government Code.*

5 *SEC. 3. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the*
10 *penalty for a crime or infraction, within the meaning of Section*
11 *17556 of the Government Code, or changes the definition of a*
12 *crime within the meaning of Section 6 of Article XIII B of the*
13 *California Constitution.*

14 *SEC. 4. The Legislature finds and declares that the provisions*
15 *of this act further the purposes of the Political Reform Act of*
16 *1974 within the meaning of subdivision (a) of Section 81012 of*
17 *the Government Code.*

18 ~~SECTION 1. Section 30329.1 is added to the Public~~
19 ~~Resources Code, to read:~~

20 ~~30329.1. (a) A lobbyist, lobbyist employer, or lobbying firm,~~
21 ~~as those terms are defined in Chapter 2 (commencing with~~
22 ~~Section 82000) of Title 9 of the Government Code, or a person~~
23 ~~described in subdivision (b) of Section 86115 of the Government~~
24 ~~Code, who communicates with the commission or commission~~
25 ~~staff regarding an administrative action of the commission shall~~
26 ~~comply with the requirements of Chapter 6 (commencing with~~
27 ~~Section 86100) of Title 9 of the Government Code.~~

28 ~~(b) For the purposes of this section, “administrative action”~~
29 ~~means the proposal, drafting, development, consideration,~~
30 ~~amendment, enactment, or defeat of any rule, regulation, permit~~
31 ~~action, federal consistency review, appeal, local coastal program,~~
32 ~~port master plan, public works plan, long-range development~~
33 ~~plan, categorical or other exclusion from coastal development~~
34 ~~permit requirements, cease and desist order, restoration order, or~~
35 ~~any other quasi-judicial or quasi-legislative matter requiring~~
36 ~~commission action.~~